

## FREEDOM COURT REPORTING

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TEXAS  
3                   MARSHALL DIVISION

4 \_\_\_\_\_  
5 \_\_\_\_\_

6   PATTY BEALL, MATTHEW  
7   MAXWELL, TALINA McELHANY and  
8   KELLY HAMPTON, Individually  
9   and on behalf of all other  
10  similarly situated,  
11                   Plaintiffs,                   2:08-cv-422   TJW  
12                   v.  
13   TYLER TECHNOLOGIES, INC., and  
14   EDP ENTERPRISES, INC.,  
15                   Defendants.                   1

16 \_\_\_\_\_  
17 \_\_\_\_\_

18                   DEPOSITION OF  
19                   ILENE MEYERS

20  
21   At Raleigh, North Carolina  
22   Friday, July 30, 2010; 9:14 a.m.  
23   Reported by: Lindsey D. Cline, CVR

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### A P P E A R A N C E S

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## 8 E X H I B I T S

## 9 EXHIBITS DESCRIPTION MARKED/REFERENCED

10 Number 1 Expense Reports 15/23

11 Number 2 Customer Services Report 22/23,24,26

12 Number 3 Offer Letter 75/77

13 Number 4 Resume 80/

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15 Number 6 Declaration of Ilene 84/

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1 Q. She got married?

2 A. Uh-huh.

3 Q. Is that yes?

4 A. Yes, sorry.

5 Q. That's all right. Who was the next project  
6 manager to whom you reported?

7 A. Karen Lowe, and it's an "E" at the end, L-O-W-E.

8 Q. How long did you report to Ms. Shumaker-Jackson as  
9 a project manager?

10 A. I'd say approximately three months.

11 Q. What were the circumstances surrounding your  
12 transition from Ms. Jackson's team to Ms. Lowe's  
13 team?

14 A. Just growth. Projects -- she was a more  
15 experienced project manager. I would get more  
16 growth working with Karen Lowe.

17 Q. So did you make a request to move to her team?

18 A. No.

19 Q. You were just advised that you were moving to her  
20 team?

21 A. Yes.

22 Q. And do I understand your testimony correctly to  
23 mean that you were advised that the reason for

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1           this shift was to allow you to grow more under a  
2           more experienced project manager?

3    A.    Yes.

4    Q.    Is that something Ms. Parsons told you?

5    A.    Yes.

6    Q.    Well, let me break it down a little bit. Did you  
7           -- when you were first employed by Tyler, did you  
8           go through a period of training?

9    A.    Yes.

10   Q.    Without getting into the effectiveness of the  
11           training, was there a period that we could  
12           identify that you were training to be an  
13           implementation specialist?

14   A.    Yes.

15   Q.    Again, if you could give me an estimate, how long  
16           was that training period?

17   A.    I was probably in training for approximately two  
18           months.

19   Q.    And did part of that training consist of reviewing  
20           the Tyler manuals to better acquaint yourself with  
21           Tyler software?

22   A.    Yes.

23   Q.    And was that done in the office?

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1 A. Yes.

2 Q. And was part of the training shadowing or  
3 observing other implementation specialists as they  
4 did their job?

5 A. Yes.

6 Q. During this two-month training period that you  
7 referenced -- approximately two-month training  
8 period that you referenced -- did your training  
9 consist of anything other than reviewing the  
10 manuals and shadowing or observing other  
11 implementation specialists?

12 A. That was it.

13 Q. Had you ever done software training or support  
14 before coming to Tyler?

15 A. No.

16 Q. Was there something -- Well, I'll ask it a very  
17 direct way. Why did you seek employment with  
18 Tyler?

19 A. I was laid off from Southwest Airlines. I was  
20 unemployed.

21 Q. Did you -- How did you find out about employment  
22 opportunities at Tyler?

23 A. Networking, through friends.

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1 weeks in which you did work more than 40?

2 A. When I was shadowing.

3 Q. And I take it that includes travel time?

4 A. No, it does not include travel time.

5 Q. What does -- what did you do when you were  
6 shadowing?

7 A. I was assisting the -- whoever was implementing  
8 the training, and then there was sometimes follow-  
9 up work in the hotel.

10 Q. What kind of follow-up work?

11 A. Setting up parameters, possibly, you know, just --  
12 and even in the learning phases, learning what was  
13 taught that day or implemented that day for that  
14 client.

15 Q. And how would you go about learning what was  
16 implemented that day?

17 A. I would have my computer with me and would have  
18 taken appropriate documentation.

19 Q. So would this be kind of refreshing your  
20 recollection and knowledge about what had been  
21 trained during that day?

22 A. Yes.

23 Q. And when you were setting up parameters, would

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1           that be something you would assist the implementer  
2           with?

3     A.     Yes.

4     Q.     And when you say parameters, what does that mean?

5     A.     There are tables within the software that need to  
6           be set up that the software behaves in a certain  
7           capacity based on their business needs -- whatever  
8           their business needs are.

9     Q.     Does -- Is what you just described referred to at  
10           Tyler during your employment as configuration or  
11           is that something different?

12    A.     Parameters and configuration could probably be  
13           interchanged, possibly, as words. There are some  
14           more -- I would say more -- it's more basic  
15           setting of parameters or tables that are within  
16           the software for that client, in particular.

17    Q.     What does configuration mean?

18    A.     Sometimes I think of it more on a heavier  
19           technical side configuration, if it's something  
20           that, you know, really starts with the software  
21           development of the configuration for the  
22           particular client. It goes with, you know,  
23           whatever analysis has been done for that

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1 particular client.

2 Q. Moving aside just for a moment now from the  
3 training time, during your employment with Tyler  
4 as an implementation specialist, I take it that --  
5 and this is when you were on your own after the  
6 training period. You would do this work yourself  
7 in terms of setting up the parameters?

8 A. Yes.

9 Q. Would you also do the type of configuration that  
10 you just mentioned while you were an  
11 implementation specialist?

12 A. No.

13 Q. Someone else at Tyler did that?

14 A. Uh-huh, I believe so.

15 Q. Do you know who?

16 A. Well --

17 Q. Or what department?

18 A. I think it's the technology department. Whatever  
19 the technical people -- more of the inner workings  
20 of the computer and the software.

21 Q. Okay. The -- and you didn't personally develop  
22 the software?

23 A. Do you think -- no, I didn't. I'm sorry.

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1 Q. That's okay. Who -- can you name the implementers  
2 who you shadowed?

3 A. Sarah Shumaker-Jackson was one. And I'm really --  
4 I see her face and I don't know.

5 Q. Let's see if I have it in these expense reports.  
6 It says that you did some shadowing in Richmond.  
7 Was that with Sharon?

8 A. With Sarah --

9 Q. I mean with Sarah?

10 A. I think -- yes, Sarah Shumaker. And there was  
11 some done in Halifax County.

12 Q. With?

13 A. I just can't place her name.

14 Q. Can't place the person's name?

15 A. (Witness shakes head from side to side.)

16 Q. Okay.

17 A. I think she might even still be with them.

18 Q. Okay. Was the -- I understand MUNIS's software to  
19 be broken down between financial software and  
20 human resources software. Does -- do you -- is  
21 that accurate?

22 A. The only thing I ever worked on were the  
23 financials. I didn't do the -- I think you're

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1 talking payroll?

2 Q. I am.

3 A. Yes. I didn't work on payroll.

4 Q. So you worked on supporting and training on the  
5 financial software that Tyler provided?

6 A. Yes.

7 Q. And I guess you would agree that there are a  
8 variety of different -- what do you call it --  
9 applications within the software?

10 A. Yes.

11 Q. Like a general ledger.

12 A. Accounts payable.

13 Q. Accounts payable. What are some other examples?

14 A. Project management, accounts receivable,  
15 general --

16 Q. Billing?

17 A. Billing.

18 Q. Okay. Well, I don't understand that to be an  
19 exhaustive list of the applications within Tyler's  
20 financial software, but they are representative  
21 examples.

22 A. Yes.

23 Q. Did you have a particular specialty during your

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1 employment with Tyler as implementation specialist  
2 with respect to any of these different modules?

3 A. I wouldn't say I was a specialist in any of them.

4 Q. Did you train in all of them?

5 A. Yes.

6 Q. Was the two-month training period that you  
7 discussed established with you at the time of your  
8 hire? In other words, did someone tell you, "We  
9 have a two-month period in which you're going to  
10 be training before you go out on your own," or did  
11 it just kind of develop that way?

12 A. Actually, it was told I had a three-month training  
13 period.

14 Q. And was that by Ms. Parsons?

15 A. Yes.

16 Q. Why was your training period, in fact, cut, if you  
17 will, to two months?

18 A. I guess it was need -- need for an implementer.

19 Q. Was anything ever expressed to you as to the  
20 reason that you were trained for two instead of  
21 three months?

22 A. I think they just said a client's need.

23 Q. Was there a particular client that you're

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1 all part of the same larger document?

2 A. It was separate documents for each module.

3 Q. Were they -- how would you -- would you describe  
4 these documents as -- I think you used the term  
5 manuals. Are they -- how long would they  
6 typically be?

7 A. It fluctuated.

8 Q. Depending on the application?

9 A. Yeah, depending on the application.

10 Q. Would these be the same manuals that you mentioned  
11 that you reviewed in connection with your  
12 training?

13 A. Yes.

14 Q. So did the manuals explain how the software worked  
15 or did they explain how you were supposed to train  
16 others to learn the software?

17 A. It just gave you screen shots and how the software  
18 worked.

19 Q. Okay. Other than these manuals and the e-mail,  
20 would there be anything else you would review  
21 document-wise before embarking on the trip to the  
22 customer site?

23 A. I'm not recalling.

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1 Q. Okay. Like a project report or anything specific  
2 to the project? Anything you can recall along  
3 those lines?

4 A. You know, I don't want to be very specific because  
5 I'm not recalling.

6 Q. Okay.

7 A. But I just know that the project manager always  
8 did the analysis of what the client needs and  
9 wants. And so I know that had to have been  
10 communicated to me. And I'm not positive that  
11 there was an actual form or if it actually was  
12 just through e-mail saying this is exactly what  
13 the client is going to be using.

14 Q. Okay. And when you say the analysis of what the  
15 client needs and wants, you're talking something  
16 more than just what module you're training on,  
17 correct?

18 A. Yes.

19 Q. This is something more specific as to what the  
20 client wants to do within the particular module as  
21 to routing of data, for example?

22 A. What they're using and what they're not.

23 Q. Within the module?

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1 A. Yes.

2 Q. Did you as an implementation consultant -- I'm  
3 sorry -- implementation specialist at Tyler ever  
4 undertake an analysis of what the client needs and  
5 wants -- similar to what you described the project  
6 manager typically does?

7 A. No. That was the project manager's duties.

8 Q. Okay. And so your recollection, as best you can  
9 recall, is that that would have been communicated  
10 to you by the project manager in some form,  
11 perhaps in a document, but perhaps through an e-  
12 mail or a phone conversation?

13 A. Yes.

14 Q. Is there a name for that analysis of what the  
15 client needs and wants that was used at Tyler?

16 A. I don't know if there was a set name, but I would  
17 call it the project plan.

18 Q. If I use the term systems analysis, is that  
19 something you're familiar with as a term used at  
20 Tyler?

21 A. I think that's a common usage for most technology,  
22 system analysis. But I don't know if that's  
23 particularly what they called it as a project

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1       manager doing it.

2       Q.    Okay. But just using that sort of generic  
3       understanding of what a systems analysis means, is  
4       that a description of what we've discussed in  
5       terms of analyzing what the client wants and needs  
6       with respect to the software and what it intends  
7       to use and what it doesn't intend to use?

8       A.    I don't know, because I don't know what the real  
9       definition of that term is. And I hate to --

10      Q.    Okay.

11      A.    -- say anything.

12      Q.    But you're more comfortable with the phrase  
13      project plan to describe that?

14      A.    Uh-huh, yes.

15      Q.    Okay. Would it have been typical for you to be on  
16      the phone with the customer prior to visiting the  
17      customer site?

18      A.    It could be, possibly.

19      Q.    And what types of -- what reason would you have to  
20      communicate with the client before the trip?

21      A.    I would just tell them I was to be expected in at  
22      this time. "I'm staying here. Is there anything  
23      I need to bring, or is there anything you need

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1           before I leave for my trip there?" Customer  
2           service.

3    Q.    Did you do that on every occasion?

4    A.    I was pretty much customer service oriented.

5    Q.    Okay. So that's something you tried to do?

6    A.    Yes.

7    Q.    Would it be -- have been typical for you to do  
8           training on multiple modules for the same client?

9    A.    Yes.

10   Q.    When you embarked on a trip to do training, would  
11          it have been typical for you to train on two  
12          different models during one trip?

13   A.    Yes.

14   Q.    I will tell you that based on depositions of  
15          others in your position at Tyler, they've talked  
16          about different phases of training. Is that a  
17          concept with which you're comfortable with, if I  
18          talk about phases?

19   A.    Again, I refer back to project plan. There are  
20          different steps to the project. And maybe you  
21          want to put it into the words of phases. You do  
22          -- you know, first you come in and you might train  
23          one piece. And then you might come back and train

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1 another piece. But it's all aligned on a project.

2 That's what the project manager did is outline  
3 the project of each step to get the client to  
4 where it needs to go to get to that final point.

5 Q. Okay. When you say piece, are you -- what does  
6 that mean?

7 A. When I talk about pieces, there's different things  
8 that the client's responsible to do to get to a  
9 point where I come in and do the training. So for  
10 example, if it is to put in certain data --  
11 information into the parameters that we just set  
12 up, then --

13 Q. To set up the system?

14 A. Well, yeah. Pretty much set up the system, get  
15 ready to be able to be trained on it.

16 Q. Did you ever provide training to customers about  
17 how to set up the system?

18 A. I showed them the different parameters when we set  
19 up parameters. But most of that discussion is  
20 done ahead of time through that analysis that's  
21 done or the project set-up, what they're going to  
22 be using, what they're not going to be using. So  
23 I just assist them in setting up the parameter

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1 tables for it to work for their business

2 processes.

3 Q. Was -- in your job as implementation specialist,  
4 was it important at all for you to know about the  
5 customer's legacy or previous system?

6 A. No. I never got involved in their old system,  
7 even though I heard about it.

8 Q. You'd hear about it from the --

9 A. From the client.

10 Q. From the representatives who you were training?

11 A. Yes.

12 Q. When they would say, "We used to do it like this"?

13 A. Yes.

14 Q. Okay.

15 A. Constant.

16 Q. Okay. But it's not something that you would have  
17 reviewed or talked to the customer about in any  
18 depth?

19 A. No.

20 Q. Now, you described the process by which you were  
21 informed of what modules you would be training,  
22 who your contact person was. And again, I  
23 understand you weren't exactly sure how -- in what

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1 form that was communicated to you by your project  
2 manager on every instance. But how would you know  
3 how to set up the particular schedule of training  
4 with the customer? And by that I mean, what times  
5 of the day that you're training, you know,  
6 particular representatives? Is that something  
7 that you would have to work out with the customer  
8 once you got to the site, or was that something  
9 that was done ahead of time?

10 A. That was done ahead of time.

11 Q. And was that -- did Tyler use the term agenda to  
12 describe that?

13 A. I don't know if they used the word agenda. But  
14 the project manager was the one who would set up  
15 with the client the days that I would be there to  
16 train and the times.

17 Q. Were you, as an implementation specialist, ever  
18 involved in that process in setting up the agenda  
19 for the training?

20 A. Generally not. If -- you use the word agenda as  
21 what? What is agenda? The days, the time, the  
22 place?

23 Q. Yeah, I'll -- let me give you a definition.

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1 A. Okay.

2 Q. By agenda, I meant the day -- the schedule. Like,

3 "Tuesday at 9:00 we want you to be training these

4 people on, you know, this aspect of the module.

5 And then at 1:00 you're going to go into this room

6 and train this group on, you know, this particular

7 aspect of the software." Basically, the schedule

8 in the sense of where you're supposed to be and

9 what you're supposed to be doing.

10 A. Right.

11 Q. That's what I mean by agenda.

12 A. Okay. My project manager would set that up ahead

13 of time for me.

14 Q. Okay. And would there be a document that you

15 would have at the commencement of the

16 implementation that would tell you that, or would

17 you just be at the, kind of, customer's direction?

18 A. I would know ahead of time that this -- and again,

19 that's the same thing that I don't recall if that

20 was given to me in an actual schedule or if it was

21 e-mailed to me or called to me. But there was

22 some formal way of telling me that before I left

23 for my trip.

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1 Q. Of telling you when and where you were supposed to  
2 be at particular times during the week?

3 A. And contact person. That's very important.

4 Q. Right. But it told you more detail than just, you  
5 know, "At 9:00 show up, you know, in the Virgin  
6 Islands and talk to this person."

7 A. Go to the beach.

8 Q. Yeah. That too.

9 A. That was exactly correct. Usually it would say  
10 to, "Meet this person. You're supposed to be  
11 training for three days." That was more of the  
12 generalization, more than exactness. Like, "At  
13 9:00 you're going to be here, and training this."  
14 It says, "Okay. Meet with -- you will train" --  
15 it usually tells me how many days I'm going to be  
16 training and what modules I was training more  
17 than, you know -- "But you're meeting Joe Smith at  
18 9:00." And then we'd go to the training room and  
19 go from there.

20 Q. Okay.

21 A. So there was some -- I'm sorry. Go ahead.

22 Q. No, go ahead. No. I was just going to ask: So  
23 there wasn't necessarily a specific detailed

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1 Q. And what kinds of things would you tell your  
2 project manager during these calls, just how the  
3 training was going, that kind of thing?

4 A. I would give her a -- if the training was going  
5 well, was it running on time, was anything that  
6 came up possibly that might need to be handled, if  
7 the system was working well, if there's something  
8 that maybe the system wasn't doing, if, you know,  
9 she could look into it.

10 Q. When you say "if the training was going on time,"  
11 on time relative to what, a schedule, I take it?

12 A. Just that I knew I was there for three days, three  
13 billable days. Was the three billable days going  
14 to cover what I needed to cover?

15 Q. And what would that depend on?

16 A. It would depend on how quickly your client was  
17 picking up what you were training or how well you  
18 trained.

19 Q. And when you said one of the things you would  
20 report was whether or not the training was going  
21 well, is that the same kind of thing in terms of  
22 how -- when you say "going well," did you mean how  
23 quickly the client was picking up the material?

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1 A. It's just that there was no glitches in the  
2 system. The client seems to understand what's  
3 going on and the data information came -- through  
4 conversation, they convert their information into  
5 the system. Everything seems to be working well.

6 Q. And converting the data into the system, that was  
7 something done by Tyler's conversion department?

8 A. Yes, if that's the name of that. But I don't know  
9 if it's called Tyler's conversion department. But  
10 there were technology folks that did that.

11 Q. How about this? It wasn't -- you were not the one  
12 that converted the data?

13 A. I did not. And they're lucky I didn't.

14 Q. Fair enough. What if there was a situation where  
15 the customer's employees who you were training  
16 were not picking up on the training such that the  
17 training was not on time? Would you discuss with  
18 the project manager the need to have additional  
19 training?

20 A. Yes, I would definitely pass that type of  
21 information along.

22 Q. And then I guess it was up to the project manager  
23 to work that out with the client?

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1 A. And it also always depended on the contract.

2 Whatever contract the customer had with Tyler,

3 they were allowed so many hours of implementation

4 -- or billable days of implementation. So if it

5 fell within that parameter -- otherwise there

6 would be an additional charge to the customer. So

7 that all had to be worked around. I didn't do any

8 of that. I just passed information along.

9 Q. So were you aware of what the number of hours were  
10 on the contract?

11 A. I didn't -- I never saw contracts.

12 Q. Okay. When you did complete a trip report, what  
13 would you do with it?

14 A. It actually went in -- I would send it to -- if I  
15 recall correctly, I would do my trip report and  
16 send it to my project manager via e-mail. It was  
17 a report within the system.

18 Q. Did you have responsibilities when the customer  
19 went live with Tyler's software?

20 A. If I had implemented the full time for one client,  
21 I would be there for the go-live.

22 Q. Well, let's make sure we're on the same page about  
23 what go-live means. Tell me what your -- how

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1           you're using that.

2       A.   Go-live is the -- now have actually -- are in  
3           production, meaning it is an active system within  
4           their business and their folks will be actually  
5           using the system. So it is actually generating  
6           information. It's actually having people put  
7           input into their system. So everything is  
8           supposedly worked out prior to that for them to go  
9           live. And we would be there for support.

10      Q.   When you say we, would there be others with you?

11      A.   Generally, the project manager is there for go-  
12           live.

13      Q.   But the project manager wouldn't be there when you  
14           were doing the other training that you discussed?

15      A.   Generally not. There had been times that she  
16           would be there.

17      Q.   But the --

18      A.   But on a general basis, no, she was not there.

19      Q.   You would do that by yourself?

20      A.   Yes.

21      Q.   So in terms of the support that you provided  
22           during the go-live process, was more -- I mean,  
23           that's not something that the manual necessarily

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1           assisted you with, correct?

2       A.    That's correct. It would be more of they're  
3           trying to do something and suddenly something's  
4           not right with the system.

5       Q.    So sort of handling questions that came up during  
6           the process of going live?

7       A.    And sometimes we'd have to get our own technical  
8           people involved in it.

9       Q.    Would you use the term training to describe the  
10           functions that you were performing during the go-  
11           live process?

12      A.    I would call -- yeah -- training support.

13      Q.    And what do you mean by the term training support?

14      A.    Just there because the people -- it's new. The  
15           system's new to them. Just to know that I'm  
16           there. If they have a question, I can assist them  
17           with it.

18                   MS. BAGLEY: Paulo, just a heads up. I've  
19           got an expert calling me on another case. I may  
20           have to take a quick break if he calls. I've been  
21           trying to reach him all week.

22                   MR. MCKEEBY: Sure.

23                   MS. BAGLEY: And the deadline's today.

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1 MR. MCKEEBY: Yeah, I understand.

2 MS. BAGLEY: He's in court.

3 MR. MCKEEBY: Just let me know.

4 MS. BAGLEY: Okay. When the phone -- if it's

5 a --

6 THE WITNESS: If it starts dancing around --

7 MS. BAGLEY: Yeah.

8 THE WITNESS: -- we know.

9 MR. MCKEEBY: Okay.

10 Q. (Mr. McKeeby) All right. Moving on. After -- I  
11 take it the amount of support that you provided  
12 during the go-live process was something that was  
13 scheduled?

14 A. The go-live was scheduled. I don't know if you  
15 would consider the support scheduled. The go-live  
16 was just called go-live.

17 Q. Right.

18 A. And under the understanding of go-live, you were  
19 there to help with training -- support --

20 Q. But --

21 A. -- during that period of time. But it wasn't like  
22 a schedule -- okay. Scheduled training support.

23 It just was called go-live.

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1 Q. Right. But what about the duration of the go-live  
2 support that you provided? That was scheduled,  
3 correct?

4 A. Oh, yes. It was billable days.

5 Q. Right. And so just as the training that you  
6 described before, which was scheduled -- you know,  
7 again, either pursuant to some informal e-mail or  
8 telephone call or some more formal document that  
9 you may or may not be able to remember -- the go-  
10 live support also was scheduled?

11 A. Yes.

12 Q. So you knew when you were providing go-live  
13 support for a particular customer?

14 A. Yes.

15 Q. Would it have been unusual for you to provide go-  
16 live support to a customer who you had not  
17 previously visited?

18 A. Possibly, yes. Possibly, yes.

19 Q. So wait. There were occasions where you did  
20 provide go-live support to a customer that you had  
21 not visited before?

22 A. Possibly, yes.

23 Q. But that didn't happen very often?

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1 A. No.

2 Q. No, it did not?

3 A. No, it did not. Sorry.

4 Q. That's all right. That's my question that  
5 elicited the double negative, so I have to fix it.  
6 All right. Once that set amount of go-live  
7 support ended, did you have any additional  
8 responsibilities with respect to that customer?

9 A. Personal -- no.

10 Q. Did you have any responsibilities with respect to  
11 fielding questions from customers on the telephone  
12 when you were at the office?

13 A. I didn't, per se, have responsibility to where it  
14 says, "You need to take these." I would take  
15 calls if they were customers I had implemented if  
16 they had a question. Absolutely I'd take their  
17 call.

18 Q. Was there any period of time in which you were  
19 supposed to transition those kinds of calls to  
20 Tyler's telephone support team?

21 A. Well, anything technical went to Tyler's support  
22 team. If it was a simple training question I  
23 could answer, I would answer it. But anything

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1 technical always went to technical support.

2 Q. And -- but let's say a client called you because  
3 you had been their implementer and they had a  
4 technical question, would it have been your  
5 practice to try to answer that question or to send  
6 that to support?

7 A. I would send it to support. I wouldn't be any  
8 help to them.

9 Q. I see, okay. Because you wouldn't know how to  
10 answer the question perhaps?

11 A. That's correct.

12 Q. Was it the practice at the Raleigh office at Tyler  
13 to allow you some flexibility to take all or part  
14 of Fridays off if you had engaged in travel during  
15 that week?

16 A. No. I was required to come in on Friday.

17 Q. Have you -- before I just stated it in my  
18 question, had you ever heard of such a practice at  
19 the Raleigh office?

20 A. It didn't happen with me, so I don't know.

21 Q. Did it happen with others?

22 A. I can't talk for them. I don't know. I don't  
23 know what --

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1 A. No.

2 Q. And if I asked you to provide that resume --

3 A. May I step back?

4 Q. You can step back.

5 A. I'm sorry. Has what information I've put in for  
6 the Tyler description changed? No. Have I  
7 updated since? Yes, because I've had other  
8 employment.

9 Q. Okay.

10 A. Okay. I just wanted to --

11 Q. No. That's a helpful clarification --

12 A. Okay.

13 Q. -- and probably saved us some time. All right.  
14 So that updated resume with the description of  
15 your position at Tyler is something that you could  
16 provide to our attorney?

17 A. Yes.

18 MS. BAGLEY: I gave it to you yesterday.

19 Q. (Mr. McKeeby) It's something you did provide to  
20 your attorney?

21 A. Yes, that too.

22 Q. What do you know?

23 A. Magic. Do you want to take this back?

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1 Q. No, we'll leave that one. I've already entered it  
2 as an exhibit. I want to mark as Defendant's  
3 Exhibit 5 what I understand to be your updated  
4 resume that your counsel reminded me that she  
5 provided to me yesterday.

6 A. Thank you.

7 (THEREUPON, DEFENDANT'S EXHIBIT 5 WAS  
8 MARKED FOR IDENTIFICATION.)

9 Q. (Mr. McKeeby) Is -- take a look at that and make  
10 sure I'm right.

11 A. Uh-huh, yes.

12 Q. Okay. Let me take a look at it if you could  
13 because --

14 A. Sure. Tyler's right on that page you're looking  
15 at.

16 Q. Let me ask you what you meant by that first phrase  
17 under the second bullet of your description of  
18 your job with Tyler. "Create lessons and training  
19 plans." What do you mean by lessons there?

20 A. I just meant I bring out the manual that I'm going  
21 to be using for the client and know what the  
22 client -- who I'm going to be giving training to.  
23 And so I didn't write anything down. I didn't

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1 have like a written lesson plan or anything like  
2 that. All I just did was just kind of organize  
3 myself to where I knew exactly what I was going to  
4 be training that day for that client.

5 Q. That's what you meant by creating lessons?

6 A. Uh-huh, yes.

7 Q. And what about training plans, is that something  
8 distinct from lessons?

9 A. No. It was just my plans for training.

10 Q. And that, I take it, also doesn't refer to any  
11 written document?

12 A. No. Because I couldn't read my own handwriting.

13 Q. Okay. But the training plan that you referenced  
14 in that bullet means the type of training that you  
15 were to be providing to the customers?

16 A. Uh-huh, yes.

17 Q. And it's probably on your resume. What's your  
18 highest level of education?

19 A. I have an associates degree, but I'm enrolled  
20 right now in school.

21 Q. What's your course of study currently?

22 A. Information security systems.

23 Q. Where are you in school currently?

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1 A. I'm at Wake Tech.

2 Q. And when did you get your associates degree?

3 A. Back in 1985.

4 Q. From what school?

5 A. I think it was 1986 -- '85. Phoenix College.

6 Q. Is it in Phoenix?

7 A. Yes.

8 MR. MCKEEBY: Let me mark this as Defendant's  
9 Exhibit 6. Thank you.

10 (THEREUPON, DEFENDANT'S EXHIBIT 6 WAS  
11 MARKED FOR IDENTIFICATION.)

12 Q. (Mr. McKeeby) This looks like a statement that  
13 you provided in connection with this lawsuit to  
14 your attorneys. Would you agree with that  
15 characterization?

16 A. Yes.

17 Q. That your signature on the second page of the  
18 document?

19 A. Yes.

20 Q. Look at Paragraph 4 of the second sentence that  
21 says, "You never worked less than 40 hours per  
22 week unless I was on vacation or took time off for  
23 illness." Was there a particular vacation that

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